

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

FILED

DEC 20 2005

ROGER POOLE, et al.,

Plaintiffs,

vs.

WILLIAM GOEHL, III, d/b/a
Champion Dent Repair

Defendant.

No. 4:05CV1519-~~PRB~~ **SN**

U. S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

JUDGMENT

Plaintiffs brought this action under Section 502 of the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. §1132, and the Labor Management Relations Act of 1947 ("LMRA"), 29 U.S.C. §185, seeking to collect delinquent fringe benefit contributions owed to the District No. 9 International Association of Machinists and Aerospace Workers Pension and Welfare Trusts (Funds) pursuant to the terms of a collective bargaining agreement between District No. 9 International Association of Machinists and Aerospace Workers and defendant William Goehl, III, d/b/a Champion Dent Repair.

Pursuant to Section 502(g) of ERISA, 29 U.S.C. §1132(g), the Funds are entitled to recover liquidated damages and their attorney's fees and costs. The collective bargaining agreement between the parties requires defendant to pay monthly contributions to the Funds on the first day of each month. Under provisions of both the Pension and Welfare Plans, liquidated damages of 20 percent may be assessed on all contributions not paid by the tenth of the month in which such contributions are due.

Defendant has failed to submit the required contributions to the Pension Trust for the period of October 2004 to date. The principal amount currently due to the

Pension Trust is \$1,127.00. Liquidated damages of \$225.40 are due on this unpaid amount.

The principal amount currently due to the Welfare Trust is \$9,075.00. Liquidated damages of \$1,815.00 are due on this unpaid amount.

The plaintiffs have incurred attorney's fees in the amount of \$892.50 and costs in the amount of \$321.40

It is hereby ordered that plaintiffs' motion for default judgment is granted and judgment is entered against defendant William Goehl, III, d/b/a Champion Dent Repair for the period of October 2004 to November 2005 in the total amount of \$13,456.30.


UNITED STATES DISTRICT JUDGE

Dated this 20th day of December, 2005.